

**IN THE BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF TENNESSEE**

IN RE:

DAVID A. RAMEY,

Case No. 3:18-bk-33725-MPP

Debtor.

**NOTICE OF HEARING**

Notice is hereby given that:

A hearing will be held on the Debtor's Motion for Protective Order on April 5, 2019, at 9:30 a.m., before the Honorable Marcia Phillips Parsons, in Courtroom 1B, at the Howard H. Baker, Jr. United States Courthouse, 800 Market St, Knoxville, TN 37902.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

**MOTION FOR PROTECTIVE ORDER**

The Debtor, David Ramey, by and through counsel, files this Motion for a Protective Order concerning the assets of this case. In support hereof, the Debtor states as follows:

**Background**

1. The Debtor, David Ramey, commenced this case by filing a voluntary petition under chapter 7 of the Bankruptcy Code on December 7, 2018.
2. On December 26, 2018, the Debtor inherited a large amount of assets from his deceased father, Shelton D. Ramey. These assets are being administered by the Probate Court of Loudon County, Tennessee under case number 5803.

3. The inherited assets include the following items:

<u>Asset</u>	<u>Value</u>
House located at 710 Davis Ferry Road, Loudon, TN 37774	\$150,000 to \$235,000
2016 Dodge Hellcat auto	\$53,000
1964 Corvette Sting ray auto	\$35,000
2012 Dodge Ram 3500 pickup truck	\$42,000
1969 Nova Super Sport auto	5,000
1966 Chevy 2 auto	\$1,800
1983 Chevy Camero auto	\$800
2003 Chevy Colorado pickup truck	\$1,200
2002 Harley Davidson low rider motorcycle	\$6,000
2010 Kawasaki Ninja 1000R motorcycle	\$10,000
Dining room set	\$500
Oak bedroom set	\$500
65" television	\$400

4. Altogether, the inherited assets may be worth as much as \$390,000. All of such assets are listed on the Debtor's amended schedules.

5. The Debtor's assets now greatly exceed the small amount of claims in this case. The Debtor listed \$57,256 of unsecured non-priority claims in his schedules. As of this date, creditors have filed proofs of claim for only \$4,832.16.<sup>1</sup>

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<sup>1</sup> The bar date for filing proofs of claim is scheduled to run on May 15, 2019.

6. The chapter 7 trustee in this case, Michael Fitzpatrick, has insisted that the Debtor turn over possession of *all* of the inherited assets to the trustee, despite the small amount of claims filed in the case.

7. The Debtor is concerned that the trustee will engage in a fire sale of the above inherited assets, even though the sale of only one or two assets should be sufficient to satisfy the claims in this case.

Relief Requested

8. The Debtor respectfully requests that the Court enter a protective order in this case, preventing the chapter 7 trustee from selling any of the Debtor's assets without approval of the Court.

9. Such an order will ensure that the value of the above assets is protected, and the trustee does not incur unnecessary fees in this case.

WHEREFORE, for the reasons set forth above, the Debtor respectfully requests that the Court approve the accompanying order.

Respectfully submitted,

By: /s/ Elliott Schuchardt  
Elliott J. Schuchardt  
TN Bar No. 27016

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*Counsel to Debtor*

**CERTIFICATE OF SERVICE**

I, Elliott Schuchardt, hereby certify that I served a true and correct copy of the foregoing Motion for Protective Order on the following persons on this 14th day of March 2019 by means of the Court's CM / ECF system:

Michael H. Fitzpatrick, Esq.  
Chapter 7 Trustee

United States Trustee  
Ustpreion08.kx.ecf@usdoj.gov

By: /s/ Elliott Schuchardt  
Elliott J. Schuchardt